

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD DEEDS,
 Plaintiff,
 v.
 ROMEO ARANAS et al.,
 Defendants.

3:14-cv-138-RCJ-WGC

ORDER

I. DISCUSSION

On April 28, 2014, this Court issued a screening order which dismissed Counts I and II (deliberate indifference and due process) with prejudice and permitted Count III (disciplinary due process) to proceed. (ECF No. 7 at 7). This case entered a 90-day stay for the purpose of informal settlement discussions. (ECF No. 7, 10).

On May 7, 2014, Plaintiff filed a motion for reconsideration. (ECF No. 11). Plaintiff argues that Counts I and II should proceed and that, in Count III, the Court should further order that Plaintiff had a “liberty interest in not being charged with misconduct in the first place.” (*Id.* at 1, 9).

A motion to reconsider must set forth “some valid reason why the court should reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). “A motion for reconsideration is not an avenue to

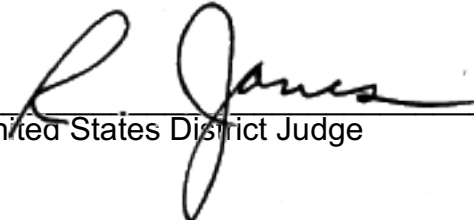
1 re-litigate the same issues and arguments upon which the court already has ruled.” *Brown v.*
2 *Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

3 The Court has read Plaintiff’s motion for reconsideration and finds that Plaintiff
4 reiterates the factual allegations he presented in his complaint. The Court does not find that
5 it committed clear error in its initial screening order or that its order was manifestly unjust. As
6 such, the Court denies Plaintiff’s motion for reconsideration.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that the motion for reconsideration (ECF
9 No. 11) is DENIED.

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12 DATED: This 28th day of May, 2014.

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15 United States District Judge
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